# PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

| Permit Application No: | Date: |
|---|---|
| 2001 00687 | January 3, 2003 |
| **Phone:** | **Suspense Date:** |
| (505) 342-3280 | January 24, 2003 |

**In Reply Refer to:**

**District Engineer, ATTN: CESPA-OD-R**

PERMIT APPLICATION UNDER SECTION 404
OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material into a floodplain and wetland area, in conjunction with the enhancement of the wetland, adjacent to the Picacho Drain and the Rio Grande near Las Cruces, Dona Ana County, New Mexico. Details of the proposed project are provided below.

Name of Applicant: City of Las Cruces, P.O. Box 20000, Las Cruces, New Mexico 88004, phone 505-528-3148.

Location: The project is located adjacent to the Picacho Drain and the Rio Grande near Las Cruces, Dona Ana County, New Mexico, within Sections 2 and 3, Township 24 South, Range 1 East (32° 25.4' N Latitude, 106° 49.1' W Longitude).

Description of Work: The proposed project will involve the enhancement of an existing wetland and floodplain area to create approximately 4.1 acres of palustrine wetland and wet meadow. The work will occur in a 35 acre site owned by the New Mexico Department of Game and Fish, located on the west side of the Rio Grande and the Picacho Drain. The dominant vegetation on the site is salt cedar, with lesser amounts of salt grass, Baltic rush, alkali sacaton, yerba mansa, Rio Grande cottonwood and Gooding's willow. Some emergent vegetation, including cattails, wirerush, bulrush, and smartweed, are also found on the site. The salt cedar stands at the site are generally restricted to sandy areas on the western boundary of the property where the floodplain meets the uplands and areas where ground disturbance has occurred. Two general methods of salt cedar removal will be used at the site. The majority of the salt cedar which will be removed is located at the northwest corner of the site. These stands (approximately 12 acres) will be removed through the use of a bulldozer to clear, root plow, and rake the vegetation into piles. The piles will be located at least 200 feet from riparian vegetation and allowed to dry for at least 30 days before being burned. Scattered salt cedar trees located in the floodplain area or in the immediate vicinity of valuable cottonwoods or willows will be removed by hand crews. The trees will be cut with chainsaws and the stumps will be coated with a herbicide. When the trees are dead, they will be pushed into brush piles that will be either left as wildlife cover or ground into mulch. Salt cedar re-growth in the treated areas will be monitored and treated monthly during the growing seasons of 2003, 2004, and 2005. Small sprouts will be pulled by hand, saplings will be treated with herbicide, and larger trees will be killed using chainsaws and herbicide.

The floodplain areas cleared of scattered salt cedars will be primarily vegetated by natural recruitment from the existing native vegetation, including salt grass, alkali sacaton, wolfberry, seep willow, and skunkbush. However, some plantings of riparian and wetland vegetation will occur, including coyote willow and other species. The areas which will have been cleared of the monolithic salt cedar stands will be seeded from locally collected and purchased seed stocks of native grasses and 4-wing saltbush.

Other project features will be constructed in conjunction with the removal of salt cedar from the site. These other features include a palustrine wetland, a wet meadow, an observation hill, and a trail. Approximately 2.3 acres of a palustrine wetland, located toward the southern end of the site, will be enhanced through the excavation of approximately 11,650 cubic yards of soil material (cys). Approximately 2000 cys of this material will be used to form an island within the wetland. Further north, approximately 1.8 acres of wet meadow will be created through the excavation of approximately 14,350 cys of soil. The excavated material from the wetland and wet meadow (approximately 14,000 cys) will be used to create an observation hill toward the northern part of the site. This hill, approximately 1.35 acres in size, will be approximately six feet above grade. The top of the hill will be leveled to allow for an observation area of compacted material, possibly with a bench and trash can. A walking trail will be constructed beginning at the northeastern corner of the property boundary and proceeding southeast to the observation area at the top of the hill. From the hill, the trail will proceed in an easterly direction toward the Picacho Drain and then along the wet meadow to a footbridge connecting the wet meadow and the wetland. The trail will be approximately 1,350 feet long, five feet wide, and four inches thick. The trail will constructed using approximately 83 cubic

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yards of compacted crusher fines (aggregate). The total quantity of fills to be placed into waters of the United States is approximately 14,283 cys. The project is planned to begin either this winter or next fall and the excavation and filling work should be complete within three to four weeks.

Purpose and Need: The stated purpose of the project is to promote restoration of riparian habitat along the Rio Grande corridor. The project will help to improve water quality, provide wildlife habitat, and provide educational opportunities for the local community.

Related Information: The proposed site was chosen as the site for the Wetland Pilot Project Component of the City of Las Cruces' Rio Grande Corridor Project. The Southwest Environmental Center (SWEC) has a Memorandum of Understanding (MOU) with the NMDGF to develop and maintain a wetlands restoration project at the site until June 2006. The SWEC and the City of Las Cruces have reached a sub-MOU, in effect through June 2003, to guide construction of the project. In accordance with this sub-MOU, the SWEC will coordinate and implement salt cedar removal and maintenance, and revegetation with native plants at the site.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

James Wood
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435
(505) 342-3280

Statement of Findings: The applicant had a cultural resource survey of the project site prepared by a consultant. This survey included an Archeological Records Management Systems (ARMS) files check, a review of the National Register of Historic Places, a review of the State Register of Cultural Properties, and an archeological and historic building ground survey. The files check revealed three previously recorded sites within one mile of the project area, none of which will be directly affected by the proposed project. Due to dense stands of vegetation (primarily saltcedar), only 24% of the site could be surveyed on the ground. No archeological sites or historic buildings were found within the study area. Due to the difficulty in surveying the entire site, the consultant recommended that the site be monitored during any vegetation clearing or ground disturbing activities. It is possible that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the work will stop and the New Mexico State Historic Preservation Office will be contacted for advice on the appropriate action to be taken.

The following is a list of Federal endangered (E) and threatened (T) species and/or critical habitat (CH) for Dona Ana County, New Mexico:

Bald Eagle (Haliaeetus leucocephalus) - T
Aplomado Falcon (Falco femoralis septentrionalis) - E
Whooping Crane (Grus americana) - E
Mountain Plover (Charadrius montanus) - T
Interior Least Tern (Sterna antillarum athalassos) - E
Mexican Spotted Owl (Strix occidentalis lucida) - T/CH
Southwestern Willow Flycatcher (Empidonax traillii extimus) - E/CH

The applicant has coordinated the proposed project with the U.S. Fish and Wildlife Service (USFWS). The applicant has incorporated several measures into the project to avoid adverse impacts to the Southwestern Willow Flycatcher. Based on the incorporation of these measures into the project, the USFWS has stated that the project as proposed "may affect, but is not likely to adversely affect" the flycatcher.

Our preliminary review indicates this project will not impact the other listed threatened or endangered species or their critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by

the District Engineer no later than **January 24, 2003**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety
State Floodplain Coordinator
Attn: Mr. Bill Borthwick
email: wborthwick@dps.state.nm.us
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, US Army
District Engineer

Enclosure